

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
Brian J. Miller	:	Case No. 19-21844 TPA
Anita M. Osborne,	:	Chapter 13
<i>Debtors</i>	:	Document No.
	:	
Anita M. Osborne,	:	
<i>Movant</i>	:	
	:	
vs.	:	
	:	
Allegheny Co. Treasurer, Allegheny Health Network,	:	
Columbia Gas, Comcast, Capital One, City and School	:	
District of Pittsburgh, Dollar Bank, Duquesne Light CO.,	:	
ECMC, Foot & Ankle Assoc., Home Depot/CitiBank,	:	
IRS, Klingensmith, Kohl's, Lakeview Loan Servicing,	:	
M&T Bank, Midland Funding, PHEAA, PRA	:	
Receivables Management, PWSA, PA Dept. of Revenue,	:	
Pittsburgh Firefighters FCU, Pittsburgh Water and	:	
Sewer Authority, Synchrony Bank, UPMC Health	:	
Services, Verizon, Wells Fargo Bank, Wells Fargo Dealer:	:	
Services, Xfinity,	:	
<i>Respondents</i>	:	

ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY
FREE AND DIVESTED OF LIENS

AND NOW, this _____, on consideration of the Debtor's Motion for Sale of Property Free and Divested of Liens to Eric A. Marks, for \$187,200.00, after hearing held via Zoom, this date, the Court finds:

- (1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above-named Respondent, was effected on the following secured creditors whose liens are recited in said Motion for Private sale, viz:

DATE OF SERVICE **NAME OF LIENOR AND SECURITY**

January 24, 2022	M&T Bank PO Box 840 Buffalo, NY 14240
January 24, 2022	Brian Nicholas KML Law Group, P.C. 701 Market Street Suite 5000

Philadelphia, PA 19106

January 24, 2022

Ronda J. Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219

- (2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion.
- (3) That said sale hearing was duly advertised on the Court's website pursuant to *W.P.A LBR 6004-1(c)(2)* on January 24, 2022. Further advertisement was not necessary under W. PA. LBR 6004-2(a).
- (4) That at the sale hearing the highest/best offer received was that of the above Purchasers and no objections to the sale were made which would result in cancellation of said sale.
- (5) That the price of \$187,200.00 by Eric A. Marks was a full and fair price for the property in question.
- (6) That the Buyer has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d.143 (*3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED**, that the sale by Special Warranty deed of the real property described 700 Southcrest Drive, Pittsburgh, PA 15226 in Allegheny County is hereby **CONFIRMED** to Eric A. Marks for \$187,200.00, free and divested of the above recited liens and claims, and, that the Movants are authorized to make, execute and deliver to the Buyers above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby, are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. ***Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions***, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following liens(s)/claim(s) and amounts; Lakeview Loan Servicing LLC % M&T Bank in the approximate amount of \$47,238.87. The exact pay-off amounts will be determined when the closing agent obtains the pay-offs at the time of the closing, parties will be paid in full at closing;
- (2) Delinquent real estate taxes and municipal fees, if any;

- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) Normal closing costs including title search, legal fees, revenue stamps, and any other normal and necessary closing costs;
- (5) The Court approved realtor commission in the amount of \$500.00 plus 7% of sale price for a total of \$13,604.00;
- (6) The Court approved attorney fees in the amount of \$2,805.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (7) The Court filing fee of \$188.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (8) Chapter 13 Trustee "percentage fees" in the amount of \$_____ payable to "Ronda J. Winnecour, Ch. 13 Trustee, P. O. Box 2587, Pittsburgh, PA 15230"; and;
- (9) The "net proceeds" from the closing as identified on the ALTA or HUD-1 to the Chapter 13 Trustee payable to "Ronda J. Winnecour, Ch. 13 Trustee, P. O. Box 84051, Chicago, IL 60689-4002;";
- (10) Other:_____.

FURTHER ORDERED that:

- (1) ***Within seven (7) days of the date of this Order***, the Movants/Plaintiffs shall serve a copy of the within *Order* on each Respondents/Defendants (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney of the Debtors, the Closing Agent, the Purchasers, and the attorney for the Purchasers, if any, and file a certificate of service.
- (2) ***Closing shall occur within ninety (90) days of this Order.***
- (3) ***Within seven (7) days following closing***, the Movants/Plaintiffs shall file a ***Report of Sale*** which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

Honorable Thomas P. Agresti
United States Bankruptcy Judge